IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.2098 OF 2006

Jayprakash Mahadeo Kadam ...Petitioner

vs.

Changdeo Yeshwant Kadam & Ors. ...Respondents

Mr.Vilas Tapkir i/by Ms Aparna More for the Petitioner
Ms S.V.Gajare,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : OCTOBER 3,2006.

P.C.:

1. Heard learned Advocate for the Petitioner. The Petitioner filed a private complaint against the first to tenth Respondents alleging commission of offences under sections 218, 420, 465, 466, 468 and 109 of the Indian Penal Code. The learned Judicial Magistrate First Class dismissed the complaint by exercising power under section 203 of the Code of Criminal Procedure, 1973. In a Revision Application filed by the Petitioner the Sessions Court has declined to interfere and the Revision Application has been rejected.

2. After having heard the Advocate for the Petitioner, I find that no case is made out for interference. In paragraph 8 of the order passed by the learned Magistrate, he has observed thus :

"8...In the present case it is alleged by the complainant that accused No.1 executed sale deed in favour of

accused No.4 and the accused No.3 registered it inspite of giving notice and accused No.9 and 10 prepared revenue record and sanctioned mutation entry. However, accused No.1 executed sale deed in favour of accused No.4 as he having title in land Gat No.780/1 and accused Nos.3,9 and 20 acted in discharging their public duties. The complainant failed to show prima-facie case that all the accused by joining hand with themselves participated in execution of sale deed. The right of complainant and accused No.1 is yet to be decided from the civil court. There is no stay in respect of land Gat No.780/1. The Hon'ble High Court issued notice to the accused No.4, which reveals that from the letter of complainant's counsel which is on record, there is also litigation pending in the Sub-Divisional Officer, Pandharpur, between complainant and accused No.1.

3. In view of the aforesaid position, the learned Magistrate came to the conclusion that there was no sufficient ground for proceeding against the accused persons. I find no error in the impugned orders. Writ Petition is rejected.

JUDGE